



## Senate

General Assembly

**File No. 617**

January Session, 2015

Substitute Senate Bill No. 1082

*Senate, April 13, 2015*

The Committee on Government Administration and Elections reported through SEN. CASSANO, S. of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT PERMITTING STATE AGENCIES TO ESTABLISH ELECTRONIC FILING SYSTEMS FOR AGENCY PROCEEDINGS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-166 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 As used in this chapter:

4 (1) "Agency" means each state board, commission, department or  
5 officer authorized by law to make regulations or to determine  
6 contested cases, but does not include either house or any committee of  
7 the General Assembly, the courts, the Council on Probate Judicial  
8 Conduct, the Governor, Lieutenant Governor or Attorney General, or  
9 town or regional boards of education, or automobile dispute  
10 settlement panels established pursuant to section 42-181;

11 (2) "Approved regulation" means a regulation submitted to the  
12 Secretary of the State in accordance with the provisions of section 4-

13 172;

14 (3) "Certification date" means the date the Secretary of the State  
15 certifies, in writing, that the eRegulations System is technologically  
16 sufficient to serve as the official compilation and electronic repository  
17 in accordance with section 4-173b;

18 (4) "Contested case" means a proceeding, including but not  
19 restricted to rate-making, price fixing and licensing, in which the legal  
20 rights, duties or privileges of a party are required by state statute or  
21 regulation to be determined by an agency after an opportunity for  
22 hearing or in which a hearing is in fact held, but does not include  
23 proceedings on a petition for a declaratory ruling under section 4-176,  
24 hearings referred to in section 4-168 or hearings conducted by the  
25 Department of Correction or the Board of Pardons and Paroles;

26 (5) "Final decision" means (A) the agency determination in a  
27 contested case, (B) a declaratory ruling issued by an agency pursuant  
28 to section 4-176, or (C) an agency decision made after reconsideration.  
29 The term does not include a preliminary or intermediate ruling or  
30 order of an agency, or a ruling of an agency granting or denying a  
31 petition for reconsideration;

32 (6) "Hearing officer" means an individual appointed by an agency to  
33 conduct a hearing in an agency proceeding. Such individual may be a  
34 staff employee of the agency;

35 (7) "Intervenor" means a person, other than a party, granted status  
36 as an intervenor by an agency in accordance with the provisions of  
37 subsection (d) of section 4-176 or subsection (b) of section 4-177a;

38 (8) "License" includes the whole or part of any agency permit,  
39 certificate, approval, registration, charter or similar form of permission  
40 required by law, but does not include a license required solely for  
41 revenue purposes;

42 (9) "Licensing" includes the agency process respecting the grant,  
43 denial, renewal, revocation, suspension, annulment, withdrawal or

44 amendment of a license;

45 (10) "Party" means each person (A) whose legal rights, duties or  
46 privileges are required by statute to be determined by an agency  
47 proceeding and who is named or admitted as a party, (B) who is  
48 required by law to be a party in an agency proceeding, or (C) who is  
49 granted status as a party under subsection (a) of section 4-177a;

50 (11) "Person" means any individual, partnership, corporation,  
51 limited liability company, association, governmental subdivision,  
52 agency or public or private organization of any character, but does not  
53 include the agency conducting the proceeding;

54 (12) "Personal delivery" means delivery directly to the intended  
55 recipient or a recipient's designated representative and includes, but is  
56 not limited to, delivery by electronic mail to an electronic mail address  
57 identified by the recipient as an acceptable means of communication;

58 [(12)] (13) "Presiding officer" means the member of an agency or the  
59 hearing officer designated by the head of the agency to preside at the  
60 hearing;

61 [(13)] (14) "Proposed final decision" means a final decision proposed  
62 by an agency or a presiding officer under section 4-179;

63 [(14)] (15) "Proposed regulation" means a proposal by an agency  
64 under the provisions of section 4-168 for a new regulation or for a  
65 change in, addition to or repeal of an existing regulation;

66 [(15)] (16) "Regulation" means each agency statement of general  
67 applicability, without regard to its designation, that implements,  
68 interprets, or prescribes law or policy, or describes the organization,  
69 procedure, or practice requirements of any agency. The term includes  
70 the amendment or repeal of a prior regulation, but does not include  
71 (A) statements concerning only the internal management of any  
72 agency and not affecting private rights or procedures available to the  
73 public, (B) declaratory rulings issued pursuant to section 4-176, or (C)  
74 intra-agency or interagency memoranda;

75 [(16)] (17) "Regulation-making" means the process for formulation  
76 and adoption of a regulation;

77 [(17)] (18) "Regulation-making record" means the documents  
78 specified in subsection (b) of section 4-168b and includes any other  
79 documents created, received or considered by an agency during the  
80 regulation-making process; and

81 [(18)] (19) "Regulations of Connecticut state agencies" means the  
82 official compilation of all permanent regulations adopted by all state  
83 agencies subsequent to October 27, 1970, organized by title number,  
84 subtitle number and section number.

85 Sec. 2. Section 4-60s of the general statutes is repealed and the  
86 following is substituted in lieu thereof (*Effective October 1, 2015*):

87 (a) Each agency of the Executive Department of the state  
88 government shall explore the feasibility of converting all applications  
89 and forms used by the public to electronic format and create an  
90 inventory of all forms used by such agency.

91 (b) Notwithstanding the provisions of chapter 54, an agency as  
92 defined in section 4-166, as amended by this act, may suspend any  
93 requirements for paper filing or service of documents requirements  
94 contained in any regulation adopted by such agency pursuant to  
95 subdivision (1) of subsection (a) of section 4-167 and may establish an  
96 electronic filing system for formal and informal agency proceedings.  
97 Such agency, before establishing such a system, shall give at least  
98 thirty days' notice by posting on its Internet web site and publishing in  
99 the Connecticut Law Journal a notice of its intended action and the  
100 instructions for the use of such system. Any agency establishing such a  
101 system shall grant a request from a person, as defined in section 4-166,  
102 as amended by this act, for an exemption from any electronic filing  
103 requirements due to a hardship communicated in writing to the  
104 agency, including, but not limited to, a lack of access to a device  
105 capable of electronic filing or the incompatibility of a specific filing  
106 with the electronic filing system.

107 Sec. 3. Section 4-56a of the general statutes is repealed and the  
108 following is substituted in lieu thereof (*Effective October 1, 2015*):

109 Procedures prescribed pursuant to sections 4-53, 4-56 and 4-57a  
110 shall not be deemed to constitute state regulations within the meaning  
111 of subdivision [(15)] (16) of section 4-166, as amended by this act.

112 Sec. 4. Section 4-61ii of the general statutes is repealed and the  
113 following is substituted in lieu thereof (*Effective October 1, 2015*):

114 Any state agency utilizing or contemplating the utilization of  
115 volunteers shall be responsible for the development, continuation or  
116 expansion of volunteer programs within the agency. Each state agency  
117 may, for the purposes of fulfilling its responsibilities under sections 4-  
118 61hh to 4-61mm, inclusive, do any or all of the following: (1) Utilize  
119 qualified salaried professional staff to develop meaningful  
120 opportunities for volunteers involved in carrying out the functions of  
121 the agency; (2) develop written rules governing the recruitment,  
122 screening, training, responsibility, utilization, supervision and  
123 evaluation of its volunteers, but such rules shall not be deemed to be  
124 regulations as defined in [subdivision (15) of] section 4-166, as  
125 amended by this act; (3) take such actions as are necessary to ensure  
126 that volunteers and paid employees understand their respective duties  
127 and responsibilities toward one another and their respective roles in  
128 fulfilling the functions of the agency; (4) develop and implement  
129 orientation and training programs for volunteers; and (5) contract with  
130 other state agencies, as it deems necessary.

131 Sec. 5. Subdivision (14) of subsection (a) of section 15-120cc of the  
132 general statutes is repealed and the following is substituted in lieu  
133 thereof (*Effective October 1, 2015*):

134 (14) Adopt rules for the conduct of its business which shall not be  
135 considered regulations, as defined in [subdivision (15) of] section 4-  
136 166, as amended by this act;

137 Sec. 6. Subsection (a) of section 32-435 of the general statutes is

138 repealed and the following is substituted in lieu thereof (*Effective*  
139 *October 1, 2015*):

140 (a) There is hereby established and created a body politic and  
141 corporate, constituting a public instrumentality and political  
142 subdivision of the state of Connecticut established and created for the  
143 performance of an essential public and governmental function, to be  
144 known as the Connecticut Port Authority. The authority shall not be  
145 construed to be a department, institution or agency of the state. The  
146 purposes of the Connecticut Port Authority shall be to coordinate port  
147 development, with a focus on private and public investments, pursue  
148 federal and state funds for dredging and other infrastructure  
149 improvements to increase cargo movement through Connecticut ports,  
150 market the advantages of such ports to the domestic and international  
151 shipping industry, coordinate the planning and funding of capital  
152 projects promoting the development of such ports and develop  
153 strategic entrepreneurial initiatives that may be available to the state.  
154 The authority is authorized and empowered to:

155 (1) Have perpetual succession as a body politic and corporate and to  
156 adopt bylaws for the regulation of its affairs and the conduct of its  
157 business;

158 (2) Adopt an official seal and alter the same at pleasure;

159 (3) Maintain an office at such place or places as it may designate;

160 (4) Sue and be sued in its own name, and plead and be impleaded;

161 (5) Develop an organizational and management structure that will  
162 best accomplish the goals of the authority concerning Connecticut  
163 ports;

164 (6) Create a code of conduct for the board of directors of the  
165 authority consistent with part I of chapter 10;

166 (7) Adopt rules for the conduct of its business, which shall not be  
167 considered regulations as defined in [subdivision (13) of] section 4-166,

168 as amended by this act; and

169 (8) Adopt an annual budget and plan of operations, including a  
170 requirement of board approval before the budget or plan may take  
171 effect.

172 Sec. 7. Subsection (a) of section 32-665 of the general statutes is  
173 repealed and the following is substituted in lieu thereof (*Effective*  
174 *October 1, 2015*):

175 (a) Except as otherwise provided in sections 32-650 to 32-668,  
176 inclusive, the following provisions of the general statutes, including  
177 regulations adopted thereunder, shall not apply to the overall project:  
178 Section 3-14b, subdivisions [(12), (13) and (14)] (13) to (15), inclusive, of  
179 section 4-166, as amended by this act, sections 4-167 to 4-174, inclusive,  
180 4-181a, 4a-1 to 4a-59a, inclusive, 4a-63 to 4a-76, inclusive, title 4b,  
181 section 16a-31, chapters 97a, 124 and 126, sections 14-311 to 14-314c,  
182 inclusive, 19a-37, 22a-16 and subsection (a) of section 22a-19. For the  
183 purposes of section 22a-12, construction plans relating to the overall  
184 project shall not be considered construction plans required to be  
185 submitted by state agencies to the Council on Environmental Quality.  
186 Notwithstanding any provision of any special act, charter, ordinance,  
187 home rule ordinance or chapter 98, no provision of any such act,  
188 charter or ordinance or said chapter 98, concerning licenses, permits or  
189 approvals by a political subdivision of the state pertaining to building  
190 demolition or construction shall apply to the overall project and,  
191 notwithstanding any provision of the general statutes, the State  
192 Building Inspector and the State Fire Marshal shall have original  
193 jurisdiction with respect to the administration and enforcement of the  
194 State Building Code and the Fire Safety Code, respectively, with  
195 respect to all aspects of the overall project, including, without  
196 limitation, the conduct of necessary reviews and inspections and the  
197 issuance of any building permit, certificate of occupancy or other  
198 necessary permits or certificates related to building construction,  
199 occupancy or fire safety. For the purposes of part III of chapter 557, the  
200 stadium facility project, the convention center project and the parking

201 project shall be deemed to be a public works project and consist of  
 202 public buildings except that the provisions relating to payment of  
 203 prevailing wages to workers in connection with a public works project  
 204 including, but not limited to, section 31-53 shall not apply to the  
 205 stadium facility project, the convention center project and the parking  
 206 project if the project manager or the prime construction contractor has  
 207 negotiated other wage terms pursuant to a project labor agreement.  
 208 The provisions of section 2-32c and subsection (c) of section 2-79a shall  
 209 not apply to any provisions of public act 99-241, as amended by public  
 210 act 00-140, or chapter 588x concerning the overall project. Any building  
 211 permit application with respect to the overall project shall be exempt  
 212 from the assessment of an education fee under subsection (b) of section  
 213 29-252a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	4-166
Sec. 2	<i>October 1, 2015</i>	4-60s
Sec. 3	<i>October 1, 2015</i>	4-56a
Sec. 4	<i>October 1, 2015</i>	4-61ii
Sec. 5	<i>October 1, 2015</i>	15-120cc(a)(14)
Sec. 6	<i>October 1, 2015</i>	32-435(a)
Sec. 7	<i>October 1, 2015</i>	32-665(a)

**GAE**      *Joint Favorable Subst.*



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Various State Agencies	All Funds - Potential Savings	Minimal	Minimal

Note: All Funds=All Funds

**Municipal Impact:** None

**Explanation**

The bill allows state agencies, boards, and commissions to deliver certain documents via electronic means and also allows such state entities to establish electronic document submission systems. State entities that utilize the ability to send and receive certain affected documents electronically may realize savings from reduced paper handling and storage.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 1082*****AN ACT PERMITTING STATE AGENCIES TO ESTABLISH ELECTRONIC FILING SYSTEMS FOR AGENCY PROCEEDINGS.*****SUMMARY:**

This bill allows e-mail delivery by state agencies to certain recipients of (1) final decisions made in a Uniform Administrative Procedure Act (UAPA) contested case, (2) rulings and actions in response to petitions for declaratory rulings, and (3) copies of declaratory rulings. It does so by defining “personal delivery” under the UAPA as delivery directly to the intended recipient or his or her designated representative, including e-mail delivery to an address the recipient identifies as an acceptable means of communication. By law, final decisions in contested cases and declaratory rulings (and associated agency actions in response to a petition for such a ruling) must either be mailed or “personally delivered.”

The bill also allows an agency to suspend any requirements, contained in its regulations governing its rules of practice, for paper filing or document service for formal and informal agency proceedings. It instead allows the agency to establish an electronic filing system for the filings and service. Before establishing the system, the agency must give 30 days’ notice on its web site and in the Connecticut Law Journal, including instructions for using the system. The bill requires agencies to exempt a person from electronic filing if the person provides written notice to the agency of a hardship. Under the bill, such hardships include (1) a lack of access to a device capable of electronic filing or (2) incompatibility of a specific filing with the electronic filing system.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2015

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 15 Nay 0 (03/25/2015)